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|---|-------------|----------------------|---------------------------------|-----------------------------|
| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
| 10/698,108  | 10/31/2003  | Michael Altenhofen   | 13909-055001 /<br>2000E00019    | 8924                        |
| 32864 7590 02/04/2009<br>FISH & RICHARDSON, P.C.<br>PO BOX 1022<br>MINNEAPOLIS, MN 55440-1022 |             |                      | EXAMINER<br>JACKSON, JENISE E   |                             |
|   |             |                      | ART UNIT<br>2439                | PAPER NUMBER                |
|   |             |                      | NOTIFICATION DATE<br>02/04/2009 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/698,108 | <b>Applicant(s)</b><br>ALTENHOFEN, MICHAEL |  |
|                              | <b>Examiner</b><br>JENISE E. JACKSON | <b>Art Unit</b><br>2439                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-21, 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-9, 11, 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Delgado et al(2005/0066324) .
3. As per claims 1, 11, Delgado et al. discloses a method of providing an application core[i.e. primary portion, 0008-0009] of a software application access to version-specific functionality [0010, 0037] including: determining a version of the software application[0023, 0027]; and providing a module link that corresponds to the version[0025], and authenticating the module link by verifying against code that is unique to a user[0125, 0183], the module link being used by the application core to access to the version-specific functionality[0025, 0037], wherein the application core comprises software that is common across multiple versions of the application[0023], the version comprises one of the multiple versions, and the version-specific functionality comprises functionality that is specific to the version of the software application[0025, 0037].
4. As per claims 3, 13, Delgado discloses encrypting the module link before providing the module link[0080].
5. As per claims 4, 14, Delgado discloses wherein the module link is encrypted with a

Art Unit: 2439

public key that corresponds to a user of the software application [0047, 0080-0081].

6. As per claims 5, 15, Delgado discloses receiving the public key used for encrypting the module link[0047].

7. As per claims 6, 16, Delgado discloses wherein the module link enables access the application core to access to the version-specific functionality by enabling the application core to reference the version specific functionality [0025, 0037].

8. As per claims 7, 17, Delgado discloses wherein the module link enables the application core to access to the version-specific functionality by enabling the application core to download the version-specific functionality and incorporate the version-specific module into the application core[0010, 0025-0026].

9. As per claims 8, 18, Delgado discloses wherein the module link comprises configuration settings for the application core[0023, 0025].

10. As per claims 9, 19, Delgado discloses receiving identification information (i.e. product key) that corresponds to a user of the software application; wherein the version of the software application is determined using the identification information [0025].

11. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Doty JR(2003/0152904).

12. As per claim 21, Doty discloses a first system to provide course content; a second system to provide a content player that presents the course content; and a third system to identify a version of the content player that is to present the course content[0125, 0085], and to provide a module link for use by the content player, to obtain modules specific to the version of the content player that is to present the course content, the modules providing functionality that is specific to

Art Unit: 2439

the version of the content player that is to present the course content; wherein the content player comprises software that is common across multiple versions of the content player, the versions comprises one of the multiple versions, and the module link is authenticated by a code that is unique to a user[0125].

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 10, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delgado(2005/0066324) in view of Eck et al. (2005/0014121).

15. As per claims 10, 20, Delgado does not disclose wherein the software application comprises a content player in an electronic learning system and the version-specific functionality corresponds to at least one of an online content player, an authoring environment content player, and an offline content player. However, Doty Jr. discloses the software application comprises a content player in an electronic learning system and the version-specific functionality corresponds to at least one of an online content player, an authoring environment content player, and an offline content player[0080, 0084-0085]. It would have been obvious to one of ordinary skill in the art to include an electronic learning system that includes a content player, the motivation is that, the content player is used to obtain course material from the content repository [0080 of Eck]. Thus, providing different versions of the content player allows a user more diversity in how the user can access the information.

Art Unit: 2439

16. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty Jr(2003/0152904) in view of Eck et al. (2005/0014121).

17. As per claim 23, Doty Jr. is silent on wherein the first system comprises a master repository that stores the course content. Eck discloses wherein the first system comprises a master repository that stores the course content[0080]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a master repository that stores the course content of Eck with Doty Jr, the motivation is that content repository stores course files that are used to present a course to a user at the learning station [0080 of Eck].

18. Same Motivation as above. As per claim 24, Eck discloses wherein the content player accesses the content from the master repository [0081, 0085].

19. Same Motivation as above. As per claim 25, Eck discloses wherein the content player is provided to a local computer, the local computer having access to a local repository of course content [0082].

20. Same Motivation as above. As per claim 26, Eck discloses wherein the content player accesses the content from the local repository [0081].

21. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty Jr(2003/0152904) in view of Delgado(2005/0066324).

22. As per claim 27, Delgado discloses wherein the third system encrypts the module link before providing the module link[0080]. It would have been obvious to one of ordinary skill in the art to include encrypting the module link of Delgado with Doty, the motivation is that encrypting is a more secure method of protecting the module link from being viewed by unauthorized users.

Art Unit: 2439

23. Same Motivation as above. As per claim 28, Delgado discloses wherein the third system encrypts the module link with a public key that corresponds to a user of the software application [0047, 0080-0081].

### **Response to Applicant**

24. The Applicant responded to office action on 11/16/08. The Applicant amended claims 1, 6-7, 11, 16-17, and 21. Applicant's arguments filed 11/16/08 have been fully considered but they are not persuasive.

25. The 101 rejection on claims 11, 13-20 has been withdrawn. The Applicant has overcome the 101 rejection by amending the claims.

26. The Applicant states Delgado does not disclose a module link is used/usable by the application core to access to the version-specific functionality. The Examiner disagrees with the Applicant. Delgado does disclose the installer also includes an installation module(i.e. module link) that extracts from the storage medium and installs on the computer system the code associated with the version identified [0026]. Delgado discloses an application core, because Delgado discloses that the code is associated with the version identified by the product key(i.e. primary code and the secondary code specific to the version identified by the product key[0026].

27. The Applicant states that the primary code is stored in the same storage medium as the version code and is retrieved at the same time as the version code. The Applicant has not claimed different storage medium's for the application core, module link, etc... In response to applicant's argument that the references fail to show certain features of applicant's invention, it is

Art Unit: 2439

noted that the features upon which applicant relies as stated above are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Final Action***

**28. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-3791. The examiner can normally be reached on Increased Flex time, but generally in the office M-Fri(8-4:30)..



Art Unit: 2439

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 29, 2009

/J. E. J./

Examiner, Art Unit 2439

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434